

19.72.050 Approval procedure for development in the foothills and canyons overlay zone.

A. Purposes. The purpose of the approval procedures set forth in this section is to ensure compliance with the zoning standards and provisions of this chapter and all other applicable ordinances and codes, while encouraging quality development in the foothills and canyons reflective of the county's goals, policies, and objectives set forth in this chapter, the Wasatch Canyons general plan, and other applicable community plans.

B. Applicability. All development proposed in the foothills and canyons overlay zone is subject to the site development plan approval procedures set forth in this section. No development or construction activity, including tree/vegetation removal and grading, or subdivision of land, shall occur on property subject to this chapter until a site development plan has been approved.

1. Permitted Uses. Site development plans for uses permitted by the underlying zone may be finally approved by the development services director upon substantiation of compliance with the zoning standards and provisions of this chapter and all other applicable ordinances and codes.

2. Conditional Uses. Site development plans for conditional uses shall be submitted in a form that satisfies the requirements of both this chapter and the conditional use provisions (Chapter 19.84) of this title and shall be subject to final approval by the planning commission pursuant to the process set forth in this section.

3. Subdivisions. Site development plans for subdivisions shall be submitted in a form that satisfies the requirements of both this chapter and the subdivision provisions of Title 18 and shall be subject to the same review and approval process as set forth therein.

C. Preapplication Meeting. A preapplication meeting with the development services director is required prior to submitting a site development plan application. The purposes of the preapplication meeting are:

1. To provide an opportunity for the county to explain the site development plan review and approval process;

2. To discuss the proposed development of the site and its relationship to site conditions and area characteristics;

3. To describe applicable provisions of this chapter and other codes and ordinances; and

4. To clarify the scope of submittal requirements.

a. Attendance. In addition to the development services director, other county participants in the preapplication meeting may include the county geologist, representatives from the health department, and any other person or entity the county deems appropriate.

b. Request for a Preapplication Meeting. To request a preapplication meeting, the applicant shall submit a request on a form approved by the development services division, together with any reasonable fee and materials that the development services division deems necessary. The materials and form submitted for the preapplication meeting shall not be considered an application for site development plan approval.

c. Scheduling. Upon submittal of the applicant's form and materials, the development proposal shall be scheduled for consideration and discussion at the next regularly-scheduled preapplication meeting.

D. Application for Site Development Plan Approval.

1. Submittal Requirements. Upon conclusion of the preapplication meeting process the applicant shall submit an application form, together with the maps, plans, and reports described in the document entitled "Submittal Requirements for Development in the Foothills and Canyons Overlay Zone," incorporated herein by reference, and any applicable fees, to the Salt Lake County development services division. In the event a waiver from this chapter's slope protection standards for lots of record is being requested (see Section 19.72.060A), then such request shall also be filed with the application. All submitted materials shall be available for public review.

a. Waiver/Modification of Analysis and Study Requirements. If, as a result of the preapplication meeting assessment of the development proposal and any site field inspections that may have been

conducted, the development services director determines that the projected size, complexity, anticipated impacts, or other factors associated with the proposed development are such that a full and adequate analysis of the development may be conducted without requiring all of the materials referenced in subsection (D)(1) of this section; then such materials as are determined to be unnecessary for the analysis may be waived or modified by the director.

b. Corrections and Additional Information Requirements. The development services director or, in the case of conditional uses or subdivisions, the planning commission may require correction of any submitted information found to be in error. Additional information as may be necessary to substantiate compliance with the provisions and standards of this chapter and other applicable codes and ordinances may also be required.

c. Incomplete Applications. Applications that do not meet the submittal requirements as set forth in this chapter shall not be accepted.

2. Acceptance of Applications. The development services director shall assess submitted applications with respect to their compliance with the "Submittal Requirements for Review of Development Proposals in the Foothills and Canyons Overlay Zone," either in whole or as modified as authorized herein, and notify the applicant in writing either of the adequacy and acceptance of the application or of the specific deficiencies or errors in the submitted materials that need to be provided prior to acceptance.

3. Staff Review. Upon acceptance of a complete application package, the development services director shall review the development proposal and document the assessment process and its conclusions through the preparation of a written staff report describing the extent to which the proposed development, as submitted, complies with the standards and criteria set forth in subsection F of this section and in other applicable county and state ordinances and codes. The report shall also specify all areas of noncompliance together with such modifications and conditions of approval as may be necessary to incorporate into the development to bring it in to full compliance, if possible, with applicable code and ordinance requirements and to mitigate identified impacts. Inability to achieve compliance with applicable standards and criteria shall warrant denial of the proposal as submitted.

a. Technical and Outside Agency Assistance. In making a determination on a site development plan application, the development services director may seek technical and policy recommendations from other public agencies with legal jurisdiction over matters affecting or affected by the proposed development, such as, but not limited to, the board of health; Utah Division of Wildlife Resources; Utah Division of Forestry, Fire, and State Lands; U.S. Forest Service; and U.S. Soil Conservation Service.

b. Failure to complete and document the assessment process regarding the development's compliance with applicable regulations and standards shall not be deemed to be approval.

4. Development Services Director Consideration and Action on Site Development Plans for Permitted Uses. Upon completion of the review and report on an application for site development plan approval for a permitted use, the development services director shall take final action on the proposal as submitted.

a. The development services director shall take one of the following actions, based on application of the standards for review set forth in subsection F of this section:

i. Approve the application, either as originally proposed or as modified by mutual agreement through the development review process;

ii. Approve the application with such reasonable conditions and safeguards as are necessary to implement the purposes of this chapter and title, subject to subsection (D)(8) of this section, "Compliance with Conditions of Approval;" or

iii. Deny the application on the basis of specific findings communicated to the applicant in writing.

b. Notice. The development services director shall notify an applicant in writing of the final disposition on an application for site development plan approval for a permitted use.

c. Appeals from Development Services Director Action. Appeals of a decision of the development services director on an application for site development plan approval for a permitted use shall be filed in accordance with the procedures set forth in Section 19.92.050 of this title.

5. Development Services Director Consideration and Recommendation on Site Development Plans for Conditional Uses and Subdivisions. Upon completion of the review and report on an application for site development plan approval for a conditional use or subdivision, the development services director shall forward the request, together with a recommendation for final action, to the planning commission, unless authorized by this title to grant approval of such request, subject to applicable referral and appeal provisions.

6. Planning Commission Consideration and Action on Site Development Plans for Conditional Uses and Subdivisions. Upon receipt of the development services director's staff report and recommendation, the planning commission shall review the application, site development plan, and related materials and make a final decision on the proposal.

a. The planning commission shall take one of the following actions, based on application of the standards for review set forth in subsection F of this section:

i. Approve the application, either as recommended by the development services director or as further modified by mutual agreement with the applicant during the planning commission's deliberations;

ii. Approve the application with such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this chapter and title, subject to subsection (D)(8) of this section, "Compliance with Conditions of Approval;" or

iii. Deny the application on the basis of specific findings communicated to the applicant in writing.

b. Optional Public Hearing. Where the planning commission finds that the size, complexity, projected impacts, proximity to conflicting land uses, or any other aspects of the proposed development may raise issues of particular concern to the general public and welfare, the planning commission may hold a public hearing pursuant to public notice to inform the public and obtain comment prior to taking action on a proposed site development plan. Notice shall be given pursuant to Section 19.84.040D of this title.

c. Notice. The development services director shall notify an applicant in writing of the planning commission's final action on an application for site development plan approval for a conditional use or subdivision.

7. Appeals from Planning Commission Action. Appeals may be made by any party aggrieved by the decision of the planning commission on an application for site development plan approval. All such appeals shall be to the board of adjustment pursuant to the procedures set forth in Section 19.92.050 of this title. The board of adjustment shall apply the review standards set forth in subsection F of this section in determining an appeal.

8. Compliance with Conditions of Approval.

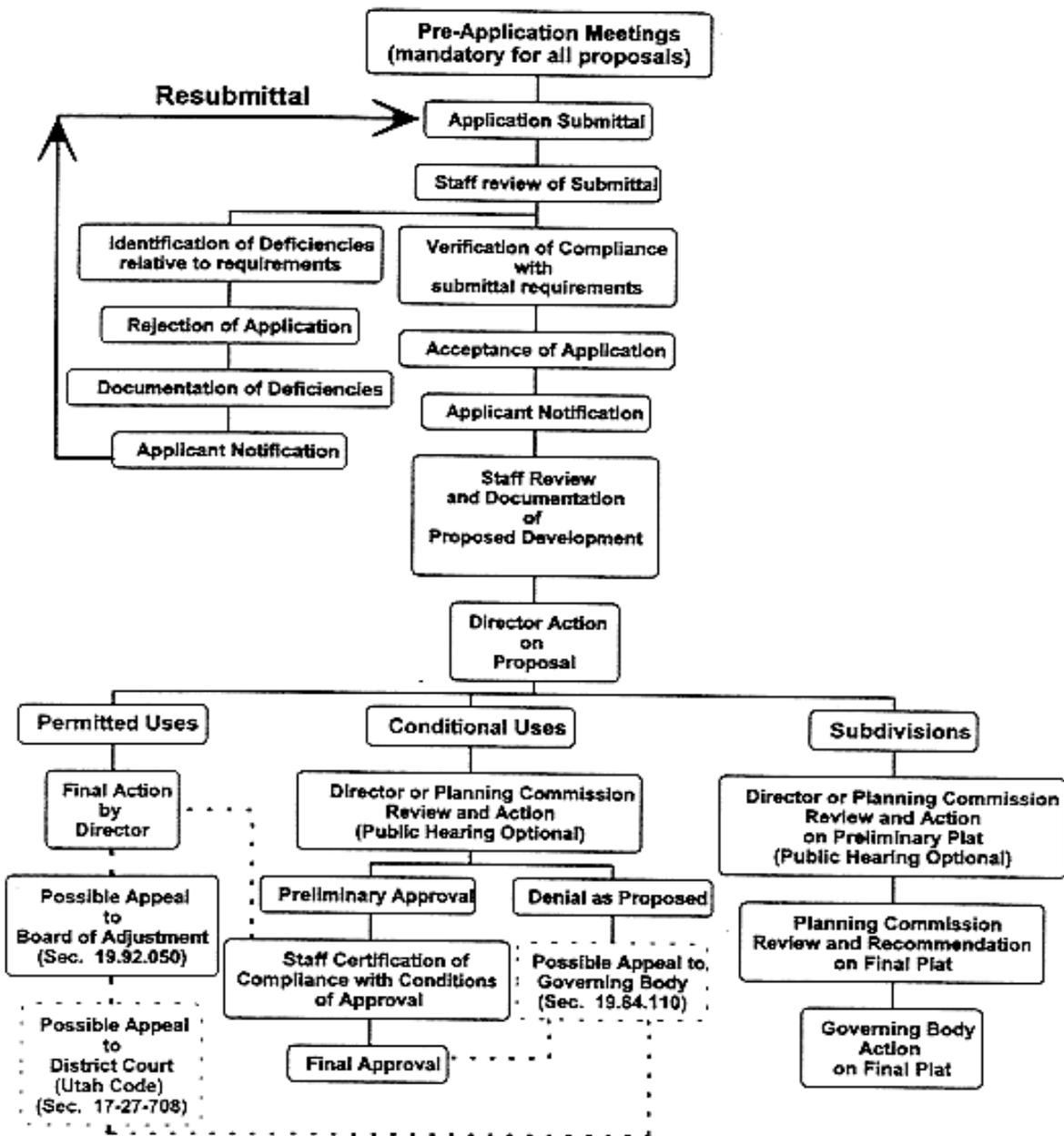
a. Preliminary Approval Only. If the director of development services, planning commission, or board of adjustment on appeal, condition approval of a site development plan application upon receipt of additional information, amendments, or other actions, the decision-maker's action shall be considered only a preliminary approval of the site development plan application.

b. Final Approval Upon Satisfaction of Conditions. Except as specified in subsection (D)(8)(d) of this section, the development services director is authorized to grant final approval of the site development plan application only after all of the conditions and requirements of the preliminary approval have been met and satisfied. Where the conditions require the applicant to obtain necessary county or state permits, the applicant's failure to comply shall result in a denial of the site development plan. A determination that the applicant has complied with all conditions shall, together with the amended plan, constitute final site development plan approval. The development services director shall, in either event, notify the applicant in writing of the final disposition of the request.

c. Failure to Comply with Conditions of Preliminary Approval--Appeal.

- i. If the development services director's determination is that the applicant has not substantially complied with all of the required conditions of approval for a conditional use or subdivision, the site development plan application shall be denied and any subsequent applicant revisions or modifications shall be considered a new application subject to all the requirements and procedures herein.
- ii. The applicant may appeal the compliance determination of the development services director on a conditional use or subdivision to the planning commission pursuant to the procedure set forth in Section 19.84.100 of this title.
- d. Planning Commission Consideration of Final Approvals. The planning commission may require as a condition of preliminary approval that a site development plan application be brought back before the commission for final consideration and approval.

E. Flow Chart of Site Plan Approval Process.



F. Standards for Review. The following standards shall be utilized in the consideration of and subsequent action on applications for site development plan review and approval. Failure to comply with any of the following shall constitute sufficient grounds for denial of a development subject to the provisions of this chapter.

1. The development shall be consistent with the purposes and intent of this chapter, and with the policies, goals, and objectives of any applicable plan, including the Wasatch Canyons general plan, the Salt Lake County regional trails plan, and applicable community general plans, as such plans are amended from time to time;
2. The development complies with the requirements set forth in Section 19.72.030, "Development standards," of this chapter, except to the extent modifications and waivers have been expressly granted;
3. The development complies with all applicable development regulations, standards, requirements, or plans adopted by the state, including but not limited to water quality and wastewater regulations;
4. Construction, grading, and development activities are restricted to limits of disturbance that comply with the standards and criteria set forth in Section 19.72.040, "Establishment of limits of disturbance," of this chapter.

G. Time Limit and Effect of Site Development Plan Approval.

1. Construction in Compliance with Approved Site Development Plan and Conditions of Approval Required. A building permit issued pursuant to this site development plan approval process must reference all conditions or stipulations applicable to such approval. All development, construction, and use shall be in accordance with the approved site development plan.
2. Valid for One Year. An approved site development plan shall be valid for a period of twelve months from the date of the development services director's or planning commission's action granting final approval, except as authorized in subsection (G)(4)(a) of this section for multi-phase development.
3. Issuance of Building Permit Within One-Year Period. A building permit may be obtained at any time within the twelve-month period. If a building permit is not timely issued within the one-year period, approval of the site plan shall automatically lapse and be null and void.
4. Extensions of Time.
 - a. Phasing. A building permit issued for any phase of a development that has received site development plan approval pursuant to this chapter shall extend the life of the site development plan for the entire development for an additional twelve months from the date of issuance of the building permit. If any successive twelve-month period expires before a building permit is issued for a subsequent phase or phases, then the site development plan approval shall automatically lapse and be null and void as to all undeveloped or unbuilt phases of the development.
 - b. Other Extensions. A twelve-month extension of the life of the site development plan may be obtained subject to paying an extension fee equal to one times the original filing fee for the site plan application. (Ord. 1473 (part), 2001; Ord. 1454 § 4 (part), 1999; Ord. 1417 § 2 (part), 1998)